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IN THE

Supreme Court of the United States

OCTOBER TERM, 1967

No. 822

ALDRICH JEMISON,
Petitioner,

vs.

EARLINE B. BROWN, OCIE ALMA REEVES, OLLIE MAE REEVES and WILLIE PAYR,
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF ALABAMA

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ALABAMA PRINTERS, INC., MONTGOMERY, ALABAMA

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TO THE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

The petitioner herein respectfully prays that a Writ of Certiorari issue to review the judgment of the Supreme Court of Alabama entered in the above-entitled case on August 17, 1967.

OPINIONS BELOW

The opinion of the Supreme Court of Alabama in **Jemison v. Brown,** et als., is reported at ..... Ala. ....., 202. So. (2d) 44 and is set forth in Appendix B, infra, pp ..... The Opinion of the Circuit Court of

Dallas County, Alabama is also printed in Appendix B, infra, pp. .....

JURISDICTION

The judgment of the Supreme Court of Alabama was entered on August 17, 1967. The Jurisdiction of this Court is based on 28 U.S. 28 U.S.C. § 1257 (3), petitioner having alleged below, and alleged herein the denial of due process, deprivation of rights, and immunities secured by the Constitution of the United States.

QUESTIONS PRESENTED

1. Were right of the Negro Petitioner herein to due process of law as guaranteed by the Fourteenth Amendment violated by the action of a special assigned judge, who did not hear any of the evidence as a basis of his decree, that petitioner was not the son of the deceased owner of property and that he had no interest in the property, and who further decided disputed questions of fact against the petitioner on the advice of the trial judge who recused himself without giving reason for his action after having formally heard all the evidence presented, and who refused to enter any order or judgment after the trial, and which action was affirmed by the Supreme Court of Alabama?

2. Were the rights of the Negro petitioner herein to due process as guaranteed by the Fourteenth Amendment violated by affirmance of a Judgment by the Supreme Court of Alabama, from the Circuit Court of Dallas County, in Equity, in which there are numerous and obvious factual errors in the appellate opinion claiming that necessary parties to the appeal were not parties to the appellate proceeding, when patently all of such persons were in fact named in the Notice of

Appeal filed, and the Assignment of Errors[1] submitted.

3. Were the rights of the Negro petitioner herein to due process of law as guaranteed by the Fourteenth Amendment violated by the trial judge who because of race perjudice entered a final decree cancelling certain quitclaim deeds on unsubstantial allegations of fraud because of his personal racial bias against petitioner, and Petitioner's Negro trial counsel?

CONSTITUTIONAL PROVISIONS INVOLVED

This case involves Section I of the Fourteenth Amendment to the Constitution of the United States.

STATEMENT

Scott and Rachael Jemison were the joint owners in free simple of 640 acres of land[2] located in Dallas County, Alabama.

Rachael Jemison died intestate on or about July 24, 1948, and was survived by her husband and joint tenant, Scott Jemison, a son Aldrich Jemison and a daughter, deceased at the time of this action, but survived by three children. After Scott Jemison's death in 1959, his second wife Earline Jemison (referred to in this brief as Earline Brown) took possession of all funds on deposit in various Selma banks, all of the livestock,

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1/ Attached to Certified Transcript of Record submitted.

2/ The Supreme Court of Alabama in an opinion by Judge Simpson, states that these were "some 440 acres of land owned by Scott Jemison and his wife." There are many and numerous errors of facts reflected in the opinion which the transcript of the trial proceedings reveal.

as well as all the 640 acres of land, upon which some twelve or fifteen tennant houses were located.

Earline Brown offered for probate a will which she claimed to be that of Scott Jemison, deceased. Several heirs or next of kin of Scott Jemison executed waivers to the probate of the will, except Aldrich Jemison, who was named a son and as a beneficiary in the will in question (T. 128, 133).

Notice as required by law[3] was never given to Aldrich Jemison, either actual or constructive, as reflected by the petition to probate the alleged will even though a specific bequest left certain property to the petitioner.

Earline Brown admitted that she took possession of all of the personal and real properties of Scott Jemison, or that which she assumed to be Scott's even though she was entitled only to his one-half undivided interest, assuming that the will was valid. (Tr. 133-135).

After the trial on May 25, 1965, Petitioner obtained quitclaim deeds from his two nieces and nephew, who were the children of his sister, Mary Reeves, deceased. Each deed was recorded and thereafter copies were attached as exhibits to a supplemental pleading (Tr. 4), filed by the Petitioner in order to show that the interest of all heirs had been consolidated. One of the nieces had already executed a quitclaim deed in favor of petitioner prior to the trial.

Earline Brown, realizing that she was not going to be able to acquire by adverse possession or otherwise the 320 acres of land which she had taken over after the death of Scott Jemison, made several trips

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3/ Code of Alabama, 1940 Title 61, § 50.

to Birmingham, Alabama, and (Tr. 82, 88) wrote letters or had letters written by friends in addition to telephone calls (Tr. 144-115), and further got other persons to contact the intervenors. Earline Brown influenced intervenors to agree for Pitts & Pitts, Attorneys at Law of Selma, Alabama, to file an Intervenors Petition alleging improper conduct on the part of the petitioner as well as petitioner's counsel, even though petitioner had spent several thousand dollars preparing for trial, etc., in an effort to acquire the property on behalf of himself as well as his nieces and nephews, intervenors below.

Ollie Mae Reeves, one of the intervenors was the first to execute a deed to petitioner (Tr. 67-68). The intervenors later executed quitclaim deeds, including Ollie Mae Reeves for a second time, so as to give petitioner a free hand against the respondent, Earline Brown, who for years refused to share any part of Scott Jemison's estate with his heirs. Each of the so-called intervenors had stated again and again that they were unable to assist petitioner with expenses in an effort to procure the Selma property and agreed formally that Aldrich Jemison, their uncle, would carry forward the action against Earline Brown, for all concerned.

The trial record shows (Tr. 82, 88), that Earline Brown contacted and provided expense money for the intervenors to come to Selma and confer with Pitts & Pitts, Attorneys at Law, at which time a determination was made to file an intervenor's petition, which came after petitioner had expended time and expenses discovering the nature and extent of property available to petitioner and intervenors, including bringing them in touch with counsel who on several occasions had explained to them their rights, to one half of the property in question.

Both Willie Payr and Ollie Reeves had first agreed

that counsel should be employed and met Petitioner's counsel in his offices several months before Earline Brown took them to Pitts & Pitts in Selma, Alabama.

On April 2, 1965, petitioner filed a Bill of Complaint in the Circuit Court of Dallas County, Alabama, in Equity, and named as respondent, Earline B. Brown.

After a complete trial of the issues before the Hon. James A. Hare, Judge of the 4th Judicial Circuit on May 25, 1965, a supplemental petition for additional relief and intervention was duly filed on July 9, 1965, by petitioner pursuant to suggesting and permission granted by the Court after an oral motion for such permission at the end of the trial on May 25, 1965. Attached as exhibits were quitclaim deeds obtained before and well as after the trial on May 25, 1965, which consolidated the interest of parties who were not formally parties to the action.

From July 9, 1965, to October 8, 1965, the Judge Hare refused to enter an order, a final decree, or judgment on the evidence presented, as requested by counsel or to set the case for a hearing on the supplemenal petition for additional relief and intervention. On October 8, 1965, after conference with the Court in chamber in Selma, Alabama, petitioner's counsel was informed that a Bill of Intervention was filed by Pitts & Pitts, Attorneys at Law, Selma, Alabama, although none had been filed of record at the time of the conference.

A copy of a Petition for Leave to Intervene, dated October 8, 1965, was later sent to petitioner, in which Pitts & Pitts were seeking to have cancelled certain quit claim deeds previously filed for record by petitioner.

On November 9, 1965, Pitts & Pitts filed a notice

to take the deposition of Ocie Alma Reeves on November 18, 1965 at 2:00 p.m. in New York City, in the Law Offices of Gainsburg, Gootliev, Levitan & Cole. Ocie Alma Reeves is one of the intervenors who resided in Liberty, New York.

Petitioner moved to suppress the deposition on the ground that notice did not comply with the requirements of Equity Rule 55, (1), Code of Alabama, 1940.

An order was entered assigning Hon. Emmett F. Hildreth, as Special judge, to preside as Circuit Judge, in the trial of the case since Judge James A. Hare had recused himself without notice to petitioner or counsel for petitioner, over the subsequent objection of petitioner.

Hearing was set for December 22, 1965, at which time petitioner's motion for a change of venue, petitioner's motion to dismiss, as well as petitioner's motion to suppress deposition were denied, and to which exceptions were duty taken.

The Court granted all relief prayed for by intervenors on the testimony of two of the intervenors and the deposition of Ocie Alma Reeves, who was not a witness at the hearing on December 22, 1965.

Petitioner sought review of the judgment of the Circuit Court of Dallas County, Selma, Alabama, by the Supreme Court of Alabama, indicating 32 assignments of error, naming as appellees Earline Brown, against whom the original complaint was filed, as well as Ocie Alma Reeves, Ollie Mae Reeves and Willie Payr referred to as intervenors herein. The Alabama Supreme Court erroneously stated that none of the intervenors were named as parties to the appeal, although in appellent's notice of appeal, assignment of errors and in the appellant's brief all parties including the defendant in

the original complaint as well as the so-called three intervenors were named as appellees.

REASONS FOR GRANTING THE WRIT

These unique cases present serious and substantial issues raised in this petition involving the blantant denial of substantive and procedural due process of law in Alabama Courts in violation of the Fourteenth Amendment, and of fundamental importance is the fact that the Alabama Supreme Court has affirmed a defective and irregular order or decree entered by a bias trial judge in Selma, Alabama, under the guise of affirming an ordinary and routine appeal. **Bailey v. Alabama,** 219 U. S. 219. The Alabama Supreme Court through its sophisticated method of affirmance has again followed its usual procedural of ignoring the rights of a Negro citizen on assumed procedural irregularities.

In a judicial system where each court official throughout the entire state is white, it becomes necessary to examine the method of dispensing with fundemental rights of Negro Citizens in the field of civil as well as property rights. See **Alabama v. U. S.,** 304 F.2d 583, 5th Cir. aff'd ..... U. S. ..... ex rel **Seals v. Wiman** (5th Cir.) 304 F. (2d) 53, and particular is this necessitated where erroreous and unsupported rulings on basic constitutional questions are involved.

Without any evidence of petitioner's relationship to the deceased before it and by ignoring all this court's established law concerning due process and well as its own laws, the Supreme Court of Aalbama has violated the most fundamental property right that the petitioner has by taking away his property in violation of the guarantees of the Fourteenth Amendment. The right under the due process clause to a full and complete hearing includes the right to introduce evidence and have judicial findings based upon it, and by a trial judge

who heard the evidence. **Baltimore & O. O. R. Co. v. U. S.** 298 U.S. 349.

If this case stands unreviewed and unreversed, not only will the struggle of Negro citizens toward the protection of civil and property rights be inpeded, but Alabama will have been given permission to place a curtain of silence over improper and violative judgments and orders of its trial and appellate judges, in situations where the record is totally devoid of evidentiary support all in violation of the due process clause of the Fourteenth Amendment. **Thompson v. City of Louisville,** et al., 362 U. S. 199.

The Alabama Supreme Court's affirmance of the decree in the trial court was based on the fact that so-called intervenors were not included as parties to the appeal. The intervenors according to the Alabama Supreme Court were indispensably necessary as formal parties appellees. Petitioner not only included the names of said parties in the notice of appeal, assignmnt of errors filed in the Alabama Supreme Court but various motions filed by opposing counsel referring to intervenors as parties to the appeal.

As stated above, the Supreme Court of Alabama seeks to resort to absurd procedural technicalities as a basis of ignoring rights of the petitioner to due process in the courts of the State of Alabama. Because petitioner is a Negro and was represented by Negro trial counsel, he has been and is unable to obtain in Dallas County a fair determination of rights protected by the Fourteenth Amendment to the Constitution of the United States.

As this Court said in **Yick Wo. v. Hopkins,** 118 U.S. 356 (1886):

"Though the law itself be fair on its face, and

> impartial in appliance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution . . . "

The Constitution prohibits discrimination by States as announced in **Ex Parte Virginia,** 100 U. S. 339; **Strauder v. West Virginia,** 100 U.S. 303 (1879), to **Garner v. Louisiana,** 368 U.S. 157 (1961), and **Thompson v. City of Louisville,** et al., 362 U.S. 199. The law is clear that such discrimination based on color is equally repugnant whether it takes the form of legislation or unequal administration of the law by public authority, including state trial and appellate courts. **Henderson v. Mayor of New York,** 92 U. S. 259; and **Mooney v. Holohan,** 294 U. S. 103, at page 113. As this Court said in **Rogers v. Alabama,** 192 U.S. 226, at page 230:

> "It is a necessary and well settled rule that the exercise of jurisdiction by this Court to protect Constitutional right cannot be declined when it is plain that the fair result of a decision is to deny the right."

CONCLUSION

For the foregoing reasons, this petition for Writ of Certiorari should be granted.

Respectfully submitted,

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Montgomery, Alabama 36104

Attorney for Petitioner

APPENDIX A

Constitutional and Statutory Provisions Involved

CONSTITUTION OF THE UNITED STATES AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

.... CODE OF ALABAMA, 1940, Title 7

Alabama Equity Rules, Rule 55(1). Rules for taking the oral examination of witnesses in equity cases before commissioners.

(1) Every notice required to be given under the following sub-rules must be given in writing by the party desiring it to the adverse party, or to his attorney of record, if either resides in the county; but if neither resides therein, the notice, unless waived, shall be filed in writing with the registar and he shall give the required notice to the adverse party, or his attorney of record by mail, postage prepaid, directed to his place of residence; and the certificate of the register is prima facie evidence of the mailing of such notice.

CODE OF ALABAMA, 1940, Title 61.

§50. **Notice by publication.** If either the widow or next of kin reside and are without the state, notice of

such application must be given by publication once a week for three successive weeks in a newspaper published in the county in which such application is made, and if no paper is published therein, by posting of the same at the courthouse three weeks before such application is heard. In lien of notice herein provided, notice may be had on such persons, by registered mail, as provided by equity rules.

APPENDIX B

THE STATE OF ALABAMA
JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

SPECIAL TERM, 1967

2 Div. 492

Aldrich Jemison
v.
Earline B. Brown

Appeal from Dallas Circuit Court, in Equity
SIMPSON, JUSTICE.

The litigation in this case involves real property located in Dallas County. The facts appear to be substantially the following:

Some 440 acres of land was owned by Scott Jemison and his wife Rachel Jemison in 1918, as joint tennants. Rachel died intestate in 1948. Appellant claims to have been her son. The trial court found that this was not the case, and that rather Rachel was survived by the only child she ever bore, Mary Reeves. Mary Reeves died in 1964, leaving surviving three children, Ollie Mae Reeves, Ocie Alma Reeves, and Willie Payr.

After Rachel died, Scott Jemison married Earline B. Brown. Scott died in 1959 and left a will wherein he devised his one-half undivided interest in the real estate to his widow, Earline B. Brown, the appellee.

The litigation commenced when Aldrich Jemison, the appellant, instituted a bill for sale and division of the land in Dallas County, naming as respondent Earline B. Brown. The basis of his claim was that he was

the son of Rachel Jemison who died intestate in 1948. A trial on this issue was held and it was determined that Aldrich Jemison was not the son of Rachel and hence had no interest in the property. Subsequently, and apparently while the case was still pending, Aldrich filed an amended bill in which he asked for the same relief, but this time claimed that his interest in the property was based upon quitclaim deeds from the children of Mary Reeves, whom the court had found to be the only child of Rachel Jemison.

These children, Ollie Mae, Ocie Alma, and Willie petitioned the court for leave to intervene, which was granted, and asked that the quitclaim deeds relied upon by appellant be set aside as null and void, having been procured by fraud, not having been based upon valuable consideration, etc.

Evidence was taken on this aspect of the case and the court rendered a decree in favor of the intervenors and ordered that the quitclaim deeds be set aside. Without elaborating further, suffice it so say that there is evidence to support his decree.

Appellant has now applied to this court in the following manner: He names as appellee, only Earline B. Brown, the original respondent in the bill for division. The intervenors are not named; hence, we are not called upon to consider any part of the decree relating to the petition for intervention, although the 32 assignments of error made in the case relate almost exclusively to that aspect of the case. It is academic that all parties to an action whose interest will be affected by a reversal of the judgment or decree appealed from must be made parties to the appellate proceedings. Otherwise we cannot consider the case as to the non-joined appellees. **Clark v. Knox,** 65 Ala. 401.

In the bill for division aspects of the case, the court

found that the appellant had no interest in the property in that he was not the son of Rachel Jemison. There is abundant evidence to support this conclusion. In the amended aspect, the appellant claims that interest through the quitclaim deeds received from the children of Mary Reeves, whom the court found to be the only child of Rachel. On sufficient evidence the court set aside and held for naught these deeds. We cannot reverse on that basis.

Appellant argues that error was committed in setting aside the quitclaim deeds. We have read the testimony adduced on this aspect of the case. We are abundantly convinced that the court correctly decreed that there was fraud in the procurement of the deeds and that there was insufficient or no consideration to support them.

Further, a great deal of the appellant's brief is directed toward the involvement of the intervenors in the case, claiming that appellant's attorney should have been permitted to represent their interest as well as that of appellant. We are not clear as to the exact mannr in which the court is supported to have erred in this regard. The record discloses no ruling in this respect and it is apparent at a glance that the interest of the intervenors and that of the appellant were diverse. Some argument is made that the trial court erred in allowing the first judge to rescue himself. However, nothing in the record indicates that the appellant voiced any objection to this action at the time it was taken.

We have reviewed the record and no reversible error has been pointed out in brief.

AFFIRMED.

Livingston, C. J., Merrill and Hardwood, JJ., concur.

I, J. O. Sentell, Deputy Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 17 day of August, 1967.

s/J. O. Sentell

Deputy Clerk Supreme Court of Alabama

IN THE CIRCUIT COURT OF DALLAS COUNTY, ALABAMA, IN EQUITY.

CASE NO. 8315

ALDRICH JEMISON,
Complainant,

vs.

EARLINE B. BROWN,
Respondent.

AND ..
OCIE ALMA REEVES, OLLIE MAE REEVES, and WILLIE PAYR,
Intervenors.

FINAL DECREE

This cause was submitted to the Court for final decree on the original Bill of Complaint, the Answer of the Respondent, the Bill of Intervention, on the behalf of the Intervenors, the testimony of the witnesses taken orally before the Court in open Court and the

deposition of Ocie Alma Reeves, which is the Intervenors' Exhibit 5, the exhibits of the Complainant, Respondent, and Intervenors and by agreement between Counsel for Complainant, Counsel for Respondent and Counsel for Intervenors, all of the testimony heretofore taken before the Honorable James A. Hare, and the entire record in said cause.

The Court having heard the testimony orally and considered and understood the same, is of the opinion that the Intervenors are entitled to all of the relief prayed for in their said Bill of Intervention.

THE COURT FINDS FROM THE EVIDENCE that title to said property was vested in Scott Jemison and Rachel Jemison as joint tenants by virture of a deed from Sara Blockett and J. C. Adler, which said deed was duly recorded in the Probate Office of Dallas County, Alabama; that Rachel Jemison died intestate in Dallas County, Alabama, on, to-wit: July 24, 1948 and was survived by her husband Scott Jemison and her only child, namely, viz: Mary Reeves; that Mary Reeves died intestate on or about, to wit: May, 7 1964 leaving surviving her as her only heirs at law and next of kin, her three children, namely, viz: Ollie Mae Reeves, Ocie Alma Reeves, and Willie Payr, who are the Intervenors and who are the grandchildren of Rachel Jemison, deceased.

That Scott Jemison, after the death of Rachel Jemison, was married to Earline B. Jemison, who is one and the same person as the Respondent, Earline B. Brown; that Scott Jemison died on or about, to-wit: April 24, 1959, and left a Will wherein and whereby there was devised his one-half (1/2) undivided interest in the real estate described in the Bill of Complaint and Bill of Intervention to his widow, Earline B. Jemison; that Earline B. Jemison subsequently remarried one Frank Brown and she is now known as Earline B. Brown and

is the Respondent; The Court further finds that the Complainant, Aldrich Jemison, was not the son of Rachel Jemison, deceased, as alleged in the Bill of Complaint, and is not entitled and was not entitled to inherit said lands which are described in the Bill of Complaint and the Bill of Intervention or any interest therein from the said Rachel Jemison, deceased; that the Complainant, Aldrich Jemison, has no right, title, claim or interest in said real estate.

THE COURT FURTHER FINDS FROM THE EVIDENCE, that the Intervenor, Ocie Alma Reeves, executed a quitclaim deed to the Complainant, Aldrich Jemison, wherein she conveyed all of her rights, title and interest which she might have had to the property described in the Bill of Complaint and the Bill of Intervention; said quitclaim deed was executed on, to-wit: June 7, 1965, was filed for record on June 11, 1965, in Record Book 574 at Page 361 in the Probate Office of Dallas County, Alabama; that the Intervenor, Ollie Mae Reeves executed a quitclaim deed to the Complainant, Aldrich Jemison, wherein she conveyed all of her rights, title, and interest which she had to the property described in the Bill of Complaint and Bill of Intervention; said quitclaim deed was executed on, to-wit: May 16, 1964, and was filed for record on April 5, 1965, in Record Book 571 at Page 251 in the Probate Office of Dallas County, Alabama; that the Intervenor Ollie Mae Reeves executed another quitclaim deed along with the Intervenor Willie Payr wherein they conveyed to Aldrich Jemison all of their right, title and interest to the property described in the Bill of Complaint and the Bill of Intervention, which said deed was filed for record on May 31, 1965, and recorded in Record Book 574 at Page 239 in the Probate Office of Dallas County, Alabama;

At the time each of the said quitclaim deeds were executed by the Intervenors, they did not receive any

adequate consideration; that on December 1, 1965, the Complainant's attorney, Charles S. Conley, after he had notice that the Intervenors Ollie Mae Reeves, Ocie Alma Reeves, and Willie Payr were being represented by the firm of Pitts & Pitts, went to Birmingham, Alabama and paid to the Intervenor Ollie Mae Reeves the sum of TWO THOUSAND AND NO/100 DOLLARS ($2,00.00) and paid to the Intervenor Willie Payr the sum of ONE THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS ($1,500.00); that the consideration which was paid to the Intervenor Ollie Mae Reeves and the Intervenor Willie Payr on December 1, 1965, if it was in fact paid, was so grossly inadequate as to shock the conscious of this Court.

THE COURT FURTHER FINDS FROM THE EVIDENCE that at the time of the payment of said sums the said Charles S. Conley did obtain from the Intervenor Ollie Mae Reeves an affidavid or written instrument which is Complainant's Exhibit "A" and Intervenor's Exhibit "6" and did obtain from the Intervenor Willie Payr an affidavit or written instrument which is the Complainant's Exhibit "C" and the Intervenor's Exhibit "7"; although at the time of obtaining said instruments the said Charles S. Conley had full knowledge that the said Intervenors were then represented by Pitts & Pitts of Selma, Alabama.

THE COURT FURTHER FINDS FROM THE EVIDENCE that the property described in the said Bill of Complaint and the Bill of Intervention has the approximate value of THIRTY THOUSAND AND NO/100 DOLLARS ($30,000.00); that the Intervenors are individuals of a very limited education and at the time they executed the hereinabove described quitclaim deeds, they did not have any knowledge of their interest in and to said real estate which is located in Dallas County, Alabama; that the said real estate which is located in Dallas County, Alabama; that the said quit-

claim deeds which were executed by the Intervenors were procured by fraud, undue influence and misrepresentation or concealment of material by the Complainant and his attorney, Charles S. Conley.

THE COURT IS THEREFORE OF THE OPINION FROM THE EVIDENCE PRESENTED that the Intervenors are entitled to all of their relief as prayed for in their said Bill of Intervention and the Complainant is not entitled to any of the relief prayed for in his said Bill of Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT AS FOLLOWS:

1. The Complainant is not entitled to the relief as prayed for in this Bill of Complaint and the relief so pray for is hereby denied.

2. The Intervenors are entitled to all of the relief prayed for in their said Bill of Intervention.

3. That the real estate described in the Bill of Complaint and the Bill of Intervention is held or owned jointly or in common by the Respondent, Earline B. Brown, who is the owner of an undivided on-half (½) interest in the said real estate and by the Intervenors Ollie Mae Reeves, Ocie Alma Reevs, and Willie Payr, who each own an undivided one-sixth (1/6) interest in said real estate.

4. That the said quitclaim deed executed by the Intervenor Ollie Mae Reeves to the Complainant, Aldrich Jemison, which said deed was filed for record on April 5, 1965, in Record Book 571 at Page 251 in the Probate Office of Dallas County, Alabama, is hereby set aside, cancelled, and declared to be null and void and of no force and effect; that the said quitclaim deed

which was executed by the Intervenors Ollie Mae Reeves and Willie Payr to the Complainant, Aldrich Jemison, which was filed for record on May 31, 1965, in Record Book 574 at Page 239, in the Probate Office of Dallas County, Alabama, is hereby set aside, cancelled, and declared to be null and void and of no force and effect; that the said quitclaim deed which was executed by the Intervenor Ocie Alma Reeves to the Complainant, Aldrich Jemison, which said deed was filed for record on June 11, 1965, and recorded in Record Book 574 at Page 361, in the Probate Office of Dallas County, Alabama, is hereby set aside, cancelled and declared to be null and void and of no force and effect; that the Intervenors Ollie Mae Reeves, and Willie Payr are hereby ordered to pay to the Circuit Court of Dallas County, Alabama the sum of TWO THOUSAND AND NO/100 DOLLARS ($2,000.00) and ONE THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS ($1,500.00) respectively, which sums of money the Intervenors received from the Complainant's attorney, Charles S. Conley, on December 1, 1965.

5. That all of the right, title and interest in and to the following described property, situate, lying and being in Dallas County, Alabama, to-wit:

> The East half of the West half of the southeast quarter and the East half of the Southeast quarter of Section 16, and the West half of the Southwest quarter of Section 15, all in Township 16, Range 12, containing 200 acres more or less; also, the Northwest quarter, the Southwest quarter and the West half of the Northeast quarter, and the West half of the West half of the Southeast quarter, all of Section 16, Township 16, Range 12, containing about 440 acres, more or less.

which said real estate was purported to be conveyed

to the Complainant, Aldrich Jemison, by the hereinabove described quitclaim deeds, be and the same is hereby divested out of the said Aldrich Jemison and hereby restored or vested in the Intervenors Ocie Alma Reeves, Ollie Mae Reeves, and Willie Payr, in fee simple.

6. That the Register of this Court record a copy of this decree in the Probate Office of Dallas County, Alabama, and the costs thereof be taxed as part of the costs in this property; that the Register of the Court endorse on the margin of the records of the Probate Office of Dallas County, Alabama, where each of the said quitclaim deeds appear, the words "deed declared void by decree of Circuit Court of Dallas County, Alabama, in Equity, Case No. 8315" and affix her name thereon as Register.

7. That the costs of Court, to be ascertained and fixed by the Register, is taxed against the Complainant, Aldrich Jemison, for which let execution be issued.

DONE this the 22nd day of December, A. D., 1965.

s/E [illegible]. Hildreth
Judge of the Circuit Court Of Dallas County, Alabama In Equity.

STATE OF ALABAMA

COUNTY OF DALLAS

I, Marguerite H. Houston, Register of the Circuit Court of Dallas County, Alabama, do hereby certify that the foregoing is a true and correct copy of the Final Decree entered in said cause on the 22nd day of

December, A. D., 1965, as the same appears on file in this Court.

GIVEN UNDER MY HAND AND SEAL on this the 23rd day of December, A. D., 1965.

s/Marguerite H. Houston
Register of Circuit Court of Dallas County, Ala.